



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

CITY COUNCIL WORK SESSION AGENDA City Council Work Room, 38 Hawley Street, Binghamton Monday July 21, 2014

The Work Session begins at 6:00pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
6:00pm	-----	-----	Discussion: Binghamton University Off-Campus College and Students	-----	Milton Chester
6:15pm	Planning	Webb	RL 14-98: Sale of 4 Yager Street to Jason Marsh for \$250	19-20	Jason Marsh
6:30pm	PW/Parks	Motsavage	RL 14-93: Modification Consent Order with DEC for Binghamton-Johnson City Joint Sewage Treatment Plant	3-15	Kenneth J. Frank, Gary Holmes, Philip T. Krey, Chuck Shager
	-----	-----	Discussion: FEMA Reimbursements	-----	
7:15pm	Employees	Berg	RL 14-76: Reclassifying a Vacant Master Electrician Position to Electrician	1-2	Gary Holmes
	Finance	Berg	RL 14-99: Various Budget Transfers for Continued Pothole Repairs	21-23	
7:45pm	Finance	Berg	RL 14-96: Budget Transfers for Senior Center Gas & Electric	16-17	Chuck Shager
	Finance	Berg	RL 14-97: Agreement with ENV Property and Casualty, LLC (Lloyds of London) for EMT/Ambulance Professional Liability Insurance	18	
8:00pm	-----	-----	Discussion: Traffic Board Minutes	26-32	Councilman Berg
8:15pm	-----	-----	Discussion: Salary Structure for Employees Not Covered by Collective Bargaining Agreements	-----	Council President Rennia
	-----	-----	Discussion: Review Mayoral Appointment of Mark Grogan to Planning Commission	24-25	
	-----	-----	Discussion: Special Business Meeting for Mayor's 2015 Budget Address	-----	
	-----	-----	Discussion: Review of Proposed Modifications to the Binghamton-Johnson City Joint Sewage Treatment Plant "Master IMA"	33-35	
	-----	-----	Discussion: Review Committee Reports & Pending Legislation	-----	

COMMITTEE REPORTS

Municipal & Public Affairs Committee: Motsavage (Chair), Webb, Matzo

1. Potential amendments to the City of Binghamton's noise ordinance regulations.
2. Potential amendments to the City of Binghamton regulations pertaining to mobile food vendor establishments.



Legislative Branch

RL Number:

14-76

Date Submitted:

5/23/14

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Gary Holmes P.E.

Title/Department: Commissioner/Public Works

Contact Information: grholmes@cityofbinghamton.com

RL Information

Proposed Title: Position Re-classification

Re-classifying Master Electrician (vacant) to Electrician which more accurately reflects the duties and responsibilities of the position.

Suggested Content: Removing the Master Electrician title at a salary of \$54,641.97 & adding the Electrician title at a salary of \$45,718.40 within the same budget line A1650.51000 saving the City \$8,923.57.

Additional Information

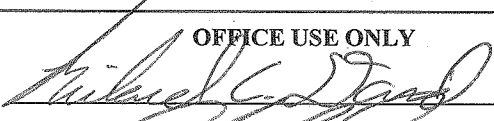


Does this RL concern grant funding? Yes ☐ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input checked="" type="checkbox"/> Rules/Special Studies <input type="checkbox"/>

ELECTRICIAN

DISTINGUISHING FEATURES OF THE CLASS: This is skilled work in installing, maintaining and repairing a variety of electrical equipment in all City owned buildings and grounds. The work also includes monitoring the various systems at the DPW Facility, such as the Automated Wash Bay, Central Fueling, Transfer Station, Compressed Air, Service Elevator, Overhead Doors, Front Gate Operation and the Coray Vac Heat System in Central Garage. The incumbent will evaluate the status of such systems on a regular basis and collaborate with vendors/contractors to schedule any needed repairs. The incumbent will serve as the primary contact for the Dig Safety NY ticketing procedure and will have primary responsibility for the performance of mark-outs for City owned electrical systems and apparatus. The work is performed under the general supervision of the Electrician/Signal Electrician. Incumbents of this position make out their own work time schedules and enter all relevant information into CarteGraph. Supervision may be the responsibility of the incumbent depending upon specific assignments and projects. Does related work as required.

Wastewater Treatment Plant and Terminal Pump Station: The work is performed under the supervision of the Head Electrician who provides work assignments at the beginning of each day. Incumbents of this position will follow given work and time schedules.

TYPICAL WORK ACTIVITIES: Installs, maintains and repairs electric fixtures, switches, lamps, electric motors, pumps, and generators; Repairs and adjusts circuit breakers, controls and regulators by replacing worn parts and repairing burned out contacts; Orders parts and keeps a record of time and materials used in electrical installations and repairs; May assist the painters, carpenters and plumbers in major department work projects; May supervise or lead a group of employees in various work projects and assignments; Operates motor equipment in transporting equipment, tools and parts. Captures and maintains related daily work activities through work order entries in CarteGraph.

Wastewater Treatment Plant and Terminal Pump Station: Installs, maintains and repairs electric motors, Variable Frequency Drives (V.F.D.'s), pumps and generators as well as associated circuitry; Installs, maintains, repairs and calibrates electronic equipment; Installs rigid conduit, pulls and splices wire on new and renovation projects; Performs work on existing S.C.A.D.A. systems and associated P.L.C.'s, power supplies and equipment;

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES & PERSONAL CHARACTERISTICS: Good knowledge of the practices, tools, terminology and safety precautions of the trade; ability to follow oral and written instructions; ability to operate and care for power equipment; willingness to work on departmental projects in other trades; willingness and ability to lead or supervise in work projects of department activities; Ability to operate a personal computer and utilize common office software programs including word processing, spreadsheet, and database at an acceptable rate of accuracy and speed; physical condition commensurate with the demands of the position.

City of Binghamton:

MINIMUM QUALIFICATIONS: Two (2) years of experience in the installation, maintenance and repair of electrical systems and equipment.

SPECIAL REQUIREMENTS: Possession of the appropriate level Motor Vehicle Operators License at time of appointment.

Wastewater Treatment Plant and Terminal Pump Station:

MINIMUM QUALIFICATIONS: Four (4) years verifiable experience in the installation, maintenance and repair of electrical systems and equipment.

SPECIAL REQUIREMENTS: Journeyman Electrician license in the City of Binghamton or Johnson City or the ability to pass the test within the probationary period. Possession of the appropriate level Motor Vehicle Operator's License at time of appointment.

Revised: 3-20-03 (Non-Competitive)

Revised: 5/13/05 (Non-Competitive)

Revised: 3/27/09 (Non-Competitive)

Revised: 1/30/13 (Non-Competitive)



Legislative Branch

RL Number:

14-93

Date Submitted:

7/2/14

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Gary Holmes / Kenneth Frank

Title/Department: Commissioner of the Department of Public Works / Corporation Counsel

Contact Information: 772-7021 / 772-7013

RL Information

Proposed Title: A RESOLUTON AUTHORIZING THE MAYOR TO SIGN A MODIFICAITON

CONSENT ORDER WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT CASE NO. R7-20110628-59

Suggested Content: TBD by Corp. Counsel

See attached Modification Consent Order

Additional Information

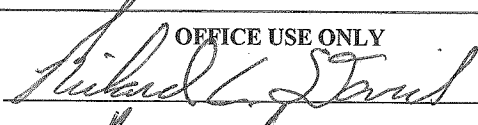


Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input checked="" type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X
In the Matter of Violations of Article 17 of the New York State
Environmental Conservation Law and of Title 6 of the Official
Compilation of Codes, Rules, and Regulations of the State of New
York, Parts 703 and 750, by

MODIFICATION
CONSENT
ORDER

CITY OF BINGHAMTON,
VILLAGE OF JOHNSON CITY, and
BINGHAMTON-JOHNSON CITY JOINT SEWAGE
BOARD
Vestal (T)
Broome County, New York,

CASE NO.
R7-20110628-59

Respondents
-----X

1. The New York State Department of Environmental Conservation ("the Department") is responsible for the administration and enforcement of Article 17 of the New York State Environmental Conservation Law ("ECL") and of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York ("6 NYCRR") Parts 703 and 750, promulgated pursuant thereto.

2. The City of Binghamton ("Respondent Binghamton") is a municipal corporation organized and existing under the laws of the State of New York and is located in Broome County, New York.

3. The Village of Johnson City ("Respondent Johnson City") is a municipal corporation organized and existing under the laws of the State of New York and is located in Broome County, New York.

4. Respondent Binghamton and Respondent Johnson City jointly own the Binghamton-Johnson City Joint Sewage Treatment Plant ("the Facility") located on Old Vestal Road in the Town of Vestal, Broome County, New York.

5. The Binghamton-Johnson City Joint Sewage Board ("Respondent Board") is a joint agency of and for Respondent Binghamton and Respondent Johnson City and is the operator and manager of the Facility. The Department issued SPDES Permit Number NY0024414 to Respondent Board with respect to the Facility (the "SPDES permit."). Respondent Binghamton and Respondent Johnson City were added as co-permittees to the SPDES permit on March 6, 2008.

6. On January 9, 2012, the Department and the Respondents entered into an administrative consent order under the authority of ECL Article 17, to provide for rebuilding the Facility after a portion of the Facility collapsed in May 2011 and the remainder of the Facility was flooded by the Susquehanna River in September 2011 ("2012 Consent Order"). The 2012 Consent Order was modified by letters of modification issued by the Department's Region 7 Regional Director on May 13, 2013, and June 10, 2013.

7. In accordance with the 2012 Consent Order as modified, Respondents have undertaken an Interim Operating Strategy to comply with interim effluent limits and have worked toward repairing the Facility and returning it to full operation. For various reasons, the Respondents have withdrawn their proposed design plans and specifications for the Facility's reconstruction and have asked to undertake alternate technology for such reconstruction.

8. The Department and the Respondents are entering into this Modification Consent Order to modify the terms of the 2012 Consent Order, as modified, so as to allow the use of an alternate biological aerated filter (BAF) technology while still meeting the current completion due date for restoring the Facility to full operation.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Compliance. Respondents shall comply with the provisions, terms, and conditions set forth in this Modification Order. Respondents' failure to comply with any provision of this Order shall constitute a default and a violation of this Order and, upon such default and violation, the Department's right to pursue all claims and remedies administratively, at law, or in equity shall not be affected by anything contained in this Order.

II. Schedule for Compliance. Respondents shall fully comply with the Schedule for Compliance set forth as Schedule A to this Modification Order.

III. Interim Effluent Limits. Schedule B to this Modification Order sets forth the interim effluent limitations and monitoring requirements currently in effect for the Facility and supersedes Schedule B to the 2012 Consent Order, as modified.

IV. Previous Orders. All provisions, terms, and conditions of the 2012 Consent Order and the letters of modification dated May 13, 2013, and June 10, 2013, shall remain in full force and effect except as expressly modified by this Modification Consent Order.

V. Effective Date. The effective date of this Order shall be the date it is signed by the Commissioner or the Commissioner's designee.

Dated: SYRACUSE, NEW YORK

_____, 2014

**NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Joseph Martens, Commissioner

BY _____
KENNETH P. LYNCH
Regional Director, Region 7

CONSENT BY RESPONDENT

Respondent **City of Binghamton** hereby consents to the issuing and entering of this Order without further notice, waives the right to notice and hearing herein, and agrees to be bound by the provisions, terms, and conditions contained herein.

CITY OF BINGHAMTON, by:

Signature _____

Printed Name _____

Title _____

Date _____

STATE OF NEW YORK)
 : ss.:
COUNTY OF _____)

On the ____ day of _____ in the year 2014, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (he)(she) executed the same in (her)(his) capacity as _____ of the **City of Binghamton**, and that by (her)(his) signature on the instrument, the municipal corporation upon behalf of which the individual acted executed the instrument.

NOTARY PUBLIC

CONSENT BY RESPONDENT

Respondent **Village of Johnson City** hereby consents to the issuing and entering of this Order without further notice, waives the right to notice and hearing herein, and agrees to be bound by the provisions, terms, and conditions contained herein.

VILLAGE OF JOHNSON CITY, by:

Signature _____

Printed Name _____

Title _____

Date _____

STATE OF NEW YORK)
 : ss.:
COUNTY OF _____)

On the ____ day of _____ in the year 2014, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (he)(she) executed the same in (her)(his) capacity as _____ of the **Village of Johnson City**, and that by (her)(his) signature on the instrument, the municipal corporation upon behalf of which the individual acted executed the instrument.

NOTARY PUBLIC

CONSENT BY RESPONDENT

Respondent **Binghamton-Johnson City Joint Sewage Board** hereby consents to the issuing and entering of this Order without further notice, waives the right to notice and hearing herein, and agrees to be bound by the provisions, terms, and conditions contained herein.

**BINGHAMTON-JOHNSON CITY
JOINT SEWAGE BOARD, by:**

Signature _____

Printed Name _____

Title _____

Date _____

STATE OF NEW YORK)
 : ss.:
COUNTY OF _____)

On the ____ day of _____ in the year 2014, before me, the undersigned,
personally appeared _____, personally known to me or
proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed
to the within instrument, and acknowledged to me that (he)(she) executed the same in (her)(his)
capacity as _____ of the **Binghamton-Johnson City
Joint Sewage Board**, and that by (her)(his) signature on the instrument, the municipal board
upon behalf of which the individual acted executed the instrument.

NOTARY PUBLIC

Schedule A
Schedule for Compliance

1. **BioStyr Pilot Study:**
 - a. By July 31, 2014, Respondents shall submit for Department review and approval an engineering scope of work for the proposed pilot study to be undertaken to evaluate the viability of BioStyr technology as a component of the reconstructed Facility.
 - b. Such scope of work shall describe the study's goals, methodology, process control parameters, and monitoring parameters and shall identify who will be conducting the study. In addition, the scope of work shall include graphic descriptions and engineering drawings of the structures and equipment to be used for the study. The scope of work shall provide for the study to be conducted from September 1, 2014, to July 1, 2015; for submittal of monthly reports of study results; and for a final report of study results to be submitted by July 28, 2015.
 - c. Upon Department approval of the scope of work, Respondents shall conduct the pilot study as approved.
2. **Engineer:** By August 31, 2014, Respondents shall hire a professional engineer licensed by the State of New York to design and oversee the reconstruction of the Facility.
3. **Interim Emergency Operations Plan:** By September 30, 2014, Respondents shall develop and implement an Interim Emergency Operations Plan to provide for operation of the Facility during emergency events such as the 2011 Flood of Record. Respondents shall update the approved Interim Emergency Operations Plan as component processes are returned to operation, by submitting the proposed modifications for Department review and approval.
4. **Repair of Facility:**
 - a. By October 30, 2014, Respondents shall submit to the Department for review and approval a proposed workplan for returning the Facility to full operation.
 - b. Such proposed workplan shall include a milestone due date for submittal of an engineering report, which engineering report shall evaluate alternate treatment technologies and propose a recommended alternative for reconstruction of the Facility.
 - i. The engineering report shall include milestone due dates for submitting design plans and specifications for each component process, constructing the approved plant design, and restarting operation of each component process.
 - c. The workplan shall also include milestone due dates for interim measures to be taken in connection with the interim operating strategy required under Paragraph 5 of this Schedule for Compliance and for submitting the modeling reports required under Paragraph 6 of this Schedule for Compliance.

- d. The workplan shall provide for completion of Facility construction by April 1, 2017, and for the Facility to meet final permit effluent limits by August 1, 2017.
- e. Upon Department approval, Respondents shall follow the approved workplan and engineering report and shall submit the required documents, complete reconstruction, and restart operation of each component process in accordance with Department approvals.

5. Interim Operating Strategy:

- a. By September 30, 2014, Respondents shall submit for Department approval their proposed interim operating strategy for the Facility. The strategy shall outline how the existing plant will operate during both normal flow conditions and wet weather conditions until plant repairs are completed and how each of the Facility's component processes will be phased back into operation.
- b. Upon Department approval, Respondents shall operate the Facility in accordance with the approved strategy.
- c. The Department recognizes that this strategy is a living document. As additional process components are phased into operation, Respondents shall modify the approved strategy to incorporate each additional component by submitting the proposed modification for Department review and approval and operating the Facility in accordance with the approved modification.
- d. Respondents shall continue operating the Facility in accordance with the approved Interim Operating Strategy currently in effect until a new strategy is approved under this paragraph.

6. Interim Effluent Limits:

- a. At each phase of Facility repair and as each component process unit becomes operational, Respondents shall model the Facility's effluent for flows during cold weather (December 1 thru April 30) and warm weather (May 1 thru November 30) with the purpose of developing interim effluent limits for CBOD₅, total suspended solids, ammonia, settleable solids, total residual chlorine, TKN, and iron.
- b. In accordance with the approved work plan schedule required under Sub-Paragraph 4.c of this Schedule for Compliance, Respondents shall submit for Department approval a report containing the modeling results, the maximum flow which the Facility is capable of receiving and treating during each interim period, and proposed interim effluent limits for CBOD₅, total suspended solids, ammonia, settleable solids, total residual chlorine, TKN, and iron to take effect during each phase of interim operation and continue in effect until the Facility is able to meet its permit limits.

- c. Upon approval of each interim modeling report, the interim effluent limits currently in effect under Schedule B of this Order will be modified in accordance with the approved report.
- 7. **Flood Mitigation:** Respondents shall implement the Flood Mitigation Workplan dated December 28, 2012, prepared by Griffiths Engineering, as approved on January 7, 2013, and shall complete construction of the flood wall by April 1, 2017.
- 8. **Toxicity Testing Requirement:** The toxicity testing requirement scheduled to commence under the SPDES Permit in calendar year 2012 is suspended until the Facility returns to full operation and is able meet its permit limits.

Schedule B
Interim Effluent Limits

INTERIM PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Susquehanna River	June 1, 2013	To Be Determined (Footnote 3)

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly average			Monitor	mgd	Continuous	Recorder	X		
cBOD ₅	Monthly average	Monitor	mg/l	21,600	lbs/d	Daily	24-hr comp	X	X	1,2
cBOD ₅	7-Day average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Solids, Suspended	Monthly Average	Monitor	mg/l	11,100	lbs/d	Daily	24-hr comp	X	X	1,2
Solids, Suspended	7-Day average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Nitrogen, Ammonia (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Total Nitrogen (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/d	Daily	24-hr comp	X	X	
Nitrogen, TKN	Daily Maximum	Monitor	mg/l	Monitor	lbs/d	1/week	24-hr comp	X	X	
Settleable Solids	Daily Maximum	Monitor	ml/l			6/ Day	Grab	X	X	
Total Residual Chlorine	Daily Maximum	2.0	mg/l			6/day	Grab		X	
Iron, Total Recoverable	Monthly Average	Monitor	mg/l	1,300	lbs/d	Monthly	24-hr comp		X	2

FOOTNOTES

1. Respondents shall report the percent removal of influent values for cBOD₅ & TSS.
2. The effluent limitation applies when plant flow is 35 MGD or less; Monitor only when plant flow is greater than 35 MGD.
3. These current interim limits shall remain in effect until superseding limits can be phased in under Paragraph 6 of the Schedule for Compliance at Schedule A of this Modification Order. Each set of interim limits shall in turn be superseded by the evolving limits allowed by the subsequent phase of repairs to the Facility, until repairs are completed and the Facility is fully operational. This Schedule B shall be modified at each appropriate phase, to reflect the interim limits then in effect.



Legislative Branch

RL Number:

14-96

Date Submitted:

7/16/14

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Chuck Shager

Title/Department: Comptroller and Parks

Contact Information: phone 607-772-7046, email ceshager@cityofbinghamton.com

RL Information

Proposed Title: A ORDINANCE TO AMEND THE 2014 BUDGET TO TRANSFER \$10,000

FROM A1990.55010 UTILITY CONTINGENCY TO \$3,000 A7620.54201 (Sr Center Gas), AND \$7,000

TO A7620.54202 (Sr. Center Elec)

Suggested Content: To be drafted by Corp. Counsel

For additional utility expenses.

Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of \$2500 or less must be approved by the Comptroller.

Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.

Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 7/16/2014

I respectfully request the below described transfer of funds due to the following reasons:

Amend 2014 Budget for the Sr. Center Utility Cost which will be over budget.

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A1990.55010 UTILITY CONTINGENCY	A7620.54201 SR. CENTER GAS	3,000.00
A1990.55010 "	A7620.54202 SR. CENTER ELECTRIC	7,000.00

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: [Signature]

Date: 7/16/14

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: [Signature]

Date: 7/16/14

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____

Date: _____

Transfer of funds ☒ APPROVED ☐ DENIED ☐ on 7/16/14 Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: [Signature]

Date: 7/16/14

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____

Date: _____



Legislative Branch

RL Number:

14-97

Date Submitted:

7/16/14

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

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Applicant Information

Request submitted by: Chuck Shager

Title/Department: Comptroller

Contact Information: phone 607-772-7046, email ceshager@cityofbinghamton.com

RL Information

Proposed Title: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH ENV PROPERTY AND CASUALTY LLC (LLOYDS OF LONDON) FOR
EMT/AMBULANCE PROFESSIONAL LIABILITY INSURANCE

Suggested Content: To be drafted by Corp. Counsel

Request for 7/22/14 meeting

Additional Information

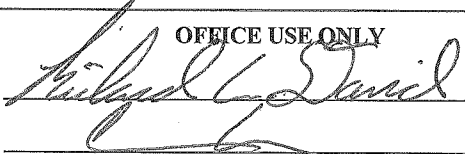


Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☐ No ☒

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Legislative Branch

RL Number:

14-98

Date Submitted:

7/16/14

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

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Applicant Information

Request submitted by: Angela Holmes

Title/Department: City Clerk

Contact Information: (607) 772-7005, clerk@cityofbinghamton.com

RL Information

Proposed Title: An Ordinance authorizing the sale of 4 Yager Street to Jason Marsh for \$250

Suggested Content: Approved by the Board of Estimate and Apportionment on 7/16/14, subject to the condition that the parcel must be merged with the applicant's currently owned property, and that the parcel shall remain as green space.

Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

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OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☐ Planning ☒ MPA ☐ PW/Parks ☐ Employees ☐ Rules/Special Studies ☐



LEGISLATIVE BRANCH • CITY OF BINGHAMTON

RECEIVED

Teri Rennia, City Council President
Angela Fagerstrom, City Clerk

JUN 9 2014

OFFER TO PURCHASE

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Please provide the following information relating to an Offer to Purchase City-owned property. This document must be submitted to the Office of the City Clerk in a sealed envelope for consideration.

PROPERTY INFORMATION

Street Address of Property: 4 YEAGER ST BING. N.Y. 13901

Tax Parcel ID Number: 144-51-1-18

Current Use of Property: ☒ Residential ☐ Commercial ☐ Vacant Lot ☐ Mixed Use

Offered Purchase Price: \$250.00

In the space provided below, please describe the intended use of the property. The inclusion of a map or illustration depicting the intended use of the property may expedite the review process.

TO PLANT FLOWER, SHRUBS AND TREES
AS WELL AS TO EXTEND MY BACK
YARD

APPLICANT INFORMATION

Name of Applicant: JASON MARSH

Note: If the applicant is a company or corporation, please list all shareholders or members.

Mailing Address: 34 BEVER ST. BING., NY 13901

Telephone: (607) 235-4018 Email: WRIGHTMAN CONSTRUCTION
@TAKO.COM

Please list any other properties owned by the Applicant (or shareholders or members) in Broome County:

I hereby certify that the above information is a true account of my intended purchase and use of City-owned property. I understand that upon approval of any such sale, any deviance from the agreed upon terms and conditions may result in the termination of such agreement through proper legal proceedings.

Applicant Signature

Date

6-9-14



Legislative Branch

RL Number:

14-99

Date Submitted:

7/17/14

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Gary Holmes, Commissioner of Public Works

Title/Department: Department of Public Works

Contact Information: 772-7021

RL Information

Proposed Title: Transfer of funds see attached

Suggested Content: see attached transfer request

Additional Information




Does this RL concern grant funding? Yes ☐ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Résolution/Local Law number(s):

OFFICE USE ONLY					
Mayor:					
Comptroller:					
Corporation Counsel:					
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of \$2500 or less must be approved by the Comptroller.

Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.

Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 07/16/2014

I respectfully request the below described transfer of funds due to the following reasons:

Continue Pothole patch

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
see attached		

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: _____

Date: 7/17/2014

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: _____

Date: 7/17/14

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____

Date: _____

Transfer of funds **APPROVED** ☐ / **DENIED** ☐ on _____. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: _____

Date: _____

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____

Date: _____

Transfer of Funds

From Budget Line (No. and title)	To Budget Line (No. and Title)	Total Transfer Amount
A1490.51000 Personal Services - Superintendent of City Streets	A5110.54130 Construction Materials	\$ 6,060.00
A1620.51000 Personal Services - Master Electrician	A5110.54130 Construction Materials	\$ 16,830.00
A8160.51000 Personal Services - St Maint Supervisor	A5110.54130 Construction Materials	\$ 2,110.00
A5110.51800 Temporary Services	A5110.54130 Construction Materials	\$ 5,000.00
A5110.54620 Equipment Repairs & Maintenance	A5110.54130 Construction Materials	\$ 5,000.00
A1490.54190 Uniforms	A5110.54130 Construction Materials	\$ 5,000.00
A1490.54701 Travel & Training	A5110.54130 Construction Materials	\$ 5,000.00
A8160.52600 Equipment	A5110.54130 Construction Materials	\$ 5,000.00
		\$ 50,000.00

Mark J. Grogan
105 West End Avenue, Binghamton, NY 13905
(607) 644-4410
mjgrogan@stny.rr.com

Education and Training

- Wharton School of the University of Pennsylvania
 - Securities Industry and Financial Markets Association (SIFMA) three year workshop based program (2007 ó 2009)
- Cornell University
 - Bachelor of Science ó Management (1977)
- Binghamton Central High School (1972)

Experience

- Morgan Stanley, Binghamton NY
 - Complex Manager responsible for the oversight of seven offices in the Southern Tier of New York and Northern Tier of Pennsylvania (May 2007 ó December 2009)
- Smith Barney, Binghamton NY
 - Branch Manager responsible for the oversight of the Binghamton and Oneonta offices (August 1994 ó April 2007)
- General Electric, Johnson City NY
 - Various positions in the Subcontracts and Contracts departments (June 1977 ó February 1987)
- City of Binghamton
 - Pool Manager/Lifeguard (Summers 1968 ó 1976)

Affiliations

- Binghamton Boys Club - Board of Directors (1988 ó 1989)
- Broome County YMCA ó Board of Directors (1998 ó 2003)

TRAFFIC BOARD MEETING 995
MINUTES
Mayor's Conference Room, 4th Floor, City Hall
Monday, June 30, 2014

Call to Order. Called to order at 10:03am by Jared Kraham, Executive Assistant to the Mayor.

Traffic Board Member Present: Gary Holmes, Commissioner of Public Works; Jared Kraham, Executive Assistant to the Mayor; Philip T. Krey, City Engineer; William Yeager, Assistant Police Chief; Bill Berg, Councilman

Traffic Board Members Absent: None

Also Present: Daniel Correll, Police Sergeant (Retired); Katherine Davis, Principal Clerk; William Lescault, Police Officer; Leigh Mc Cullen, City Planner; David Petryszyn, Police Sergeant

ITEMS CONSIDERED

Approval of Minutes. Motion to approve the minutes from Traffic Board Meeting 994, held on Thursday May 15, 2014. Moved by Berg, seconded by Yeager.

Motion carried. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

Absent: None

Speed Sign Placement. Mr. Holmes reported the non-enforcement pricing on the batter powered 12 inched speed signs is \$2,875. These are the pole mounted signs. The cost is \$495 more for a mobile mount. Item held.

Charles Street Sidewalk. A request was made asking to have the City review the sidewalk on Charles Street as it appears to be unsafe for pedestrian use. Mr. Krey noted that if there is enough money in the budget this year for a concrete sidewalk they will install it, if not the sidewalk will be asphalt. Item held.

Charles Street Park Speed Sign. The Traffic Division request the Traffic Code to be amended to include a Park Speed Zone for the First Ward Park on Charles Street from May Street to Seymour Street. This area is in front of and adjacent to a soft ball field, child play park and public swimming pool on the west side of the street and a parking area for the park on the east side of the street. It is presently posted as a thirty mile speed city wide speed zone but does meet the standards to have that speed reduced to twenty-five miles per hour in advance of the park in both directions as listed in NYS Manual of Uniformed Traffic Control Devices.

Amendment to the Traffic Code:

Insert: *Section 11D* *Park Speed Limit* *Charles Street – from May Street to Seymour Street*

Moved by Berg, seconded by Yeager

Motion carried. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

Charles Street Grade. The Traffic Division received a copy of the attached correspondence, directed to the City Engineer Phil Krey and Public Works Commissioner Gary Holmes from First District Councilman Jerry Motsavage, at the May 15 Traffic Board meeting regarding a safety issue on Charles St. between Field St. and May St. At issue is the deteriorating sidewalk that leads through this section of Charles St., an area that includes a steep grade and sharp turn in the roadway. This street leads to First Ward Park which draws many children to its playground, swimming pool and ball

field. The complainant, Jim Worhach, addressed his concern in the attached correspondence to Councilman Motsavage that with the sub-par sidewalk condition, which he included photos in the correspondence, many pedestrians walk in the roadway. He also related his concerns regarding the lack of signage alerting motorists of the sharp turns and grade.

The Traffic Division responded to the area to review these concerns. The first concern, the Park Speed Zone, was noted and addressed in a separate IDC for the Traffic Board for its June meeting.

The second concern, the steep grade and sharp turn on Charles St., previously mentioned, was reviewed by the Traffic Division and referring to the NYS Manual of Uniform Traffic Control Devices recommends that the street be posted as follows:

Install a Left Reverse Turn sign (W1-3L) to alert motorist of two sharp turns in opposite directions separated by a tangent of less than 600 feet for:

- (a) North bound traffic on Charles St. at the north east corner of the West End Ave. Extension facing south
- (b) South bound traffic on Charles St. at the south west corner of May St. facing north.

A Hill sign (W7-1a) posting with an advisory speed plaque (W13-1P) of 15 miles per hour for north bound Traffic on Charles St. in advance of the Left Reverse Turn sign may also be recommended.

Install a Large Left Turn Arrow sign (W1-6L) at the base of the steep grade visible to north bound traffic on Charles St. directing them to turn left at the turn.

Moved by Berg, seconded by Yeager to install curve signs.

Motion carried. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

Charles Street and Grace Street - The Traffic Division received the attached memo from Councilman Jerry Motsavage, First District, to reverse the parking regulation on Charles Street between Grace Street and Field Street. At present time in that area parking is allowed on the east side of the street and parking is prohibited on the west side of the street. This request would allow the residents to park in front of the homes. There would be no access prohibitions created by moving the parking off the east side of the street. The Traffic Division therefore request that the Traffic Code be amended as follows:

Amendment to the Traffic Code:

<u>Delete:</u>	Section 23	No Parking Anytime
	Charles Street – West Side	From Grace Street to Field Street.
	Charles Street – East Side	From 476 north of Murphy Avenue to 750 north.
	Charles Street – Both Sides	From Field Street to May Street.

<u>Insert:</u>	Section 23	No Parking Anytime
	Charles Street – East Side	From 476 north of Murphy Avenue to West Street extension.
	Charles Street – East Side	From West Street extension to Seymour Street.

Moved by Berg, seconded by Yeager

Motion carried. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

Hawley Street – Handicapped Parking. The City Engineer, Phil Krey, forwarded the attached correspondence which he received from Dan Cullins and the Southern Tier Independence Center to the Traffic Division for a review of the designated Handicapped Parking Zone on the north side of Hawley Street in front of the Broome County Justice Building, Hawley Street. Mr. Cullins indicated that one of the two spaces at that location does not meet the standards set under the New York State and the Americans with Disabilities Act Laws which indicate that a handicapped van with lift must have access on the passenger side of the vehicle for the wheel chair occupant to be lifted out of the van.

Members of the Binghamton Traffic Board and Engineers Office as well as the Binghamton Municipal Traffic Study Group met with Mr. Cullins and STIC at that location to access the complaint. Regarding the west most space near the entrance to the Justice Building it was agreed that the lift drop area was not accessible with the reverse back in parking requirement. If a space was designated for access for the lift on the passenger side of the vehicle with the back in regulation still required there would be a safety issue for the wheel chair pedestrian, There is no accessible curb cut for the wheel chair. The pedestrian would have to go around the front of the van and into a traffic lane to get to the cross walk and curb cut on the driver's side of the van.

Also, the east most space for handicapped parking does have a designated lift space available on the passenger side of the van and the wheel-chair bound pedestrian does have immediate access to the crosswalk and curb cut to get to the sidewalk. As demonstrated by Mr. Cullins the problem is the architectural layout. With him backing in and at an angle as required for parking in this area Mr. Cullins lift from the van was obstructed by the curb. The lift could not sit flat on the roadway for the wheelchair to move off the lift.

After a review of the above indicated complaints it was agreed upon to reconfigure the parking area on the north side of Hawley Street between Collier St and Exchange for the handicapped spaces and make those spaces parallel to the curb line and present it to the Traffic Board for approval.

The Traffic Division therefore recommends that the Traffic Code be amended as follows:

Amendment to the Traffic Code:

Delete

Section 22.3C Handicapped Parking Zone

Hawley Street North Side - From 41 feet east of Collier St. to 63 feet east.

Hawley Street North Side - From 171 feet east of Collier St. to 193 feet east.

Hawley Street North Side - From 52 feet east of Collier St. to 63 feet east. (reversed back in parking)

Hawley Street North Side - From 181 feet east of Collier St. to 196 feet east. (reversed back in parking).

Section 22.1 Police Vehicles and Jail Services only.

Hawley Street North Side From 196 feet east of Collier St. to 239 feet east. (Reversed back in parking).

Section 23 No Parking Anytime

Hawley Street North Side From 129 feet east of Collier St. to 171 feet east.

Hawley Street North Side From 283 feet east of Collier St. to 331 feet east.

Hawley Street North Side From 137 feet east of Collier St. to 181 feet east.

Hawley Street North Side From 294 feet east of Collier St. to 331 feet east.

Section 45 Two Hour Parking Meter Zone

Hawley Street North Side From 63 feet east of Collier St. to 137 east. (Reversed back in parking).

Hawley Street North Side From 239 feet east of Collier St. to 294 feet east. (Reversed back in parking).

Insert:

Section 22.3C Handicapped Parking Zone

Hawley Street North Side From 108 feet east of Collier St. to 132 feet east.

Hawley Street North Side From 170 feet east of Collier St. to 194 feet east.

Section 45 Two Hour Parking Meter Zone

Hawley Street North Side From 52 feet east of Collier St. to 108 east. (Reversed back in parking).

Hawley Street North Side From 232 feet east of Collier St. to 292 feet east. (Reversed back in parking).

Section 23 No Parking Anytime

Hawley Street North Side From 132 feet east of Collier St. to 170 feet east.

Hawley Street North Side From 292 feet east of Collier St. to 331 feet east.

Section 22.1 Police Vehicles and Jail Services only.

Hawley Street North Side From 207 feet east of Collier St. to 232 feet east. (Reversed back in parking).

Moved by Berg, seconded by Krey

Motion carried. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

Exchange Street. With the recent completion of the Court Street roundabout project the Traffic Division, upon reviewing that area affected by its insertion, request that the Traffic Code be amended for Exchange Street as follows:

Amendment to the Traffic Code:

Delete:

Section 22.2B Handicapped Parking Zone –

Exchange Street East Side - From 13 feet north of Congdon Place to 35 feet north.

Section 23 No Parking Anytime

Exchange Street East Side – From 233 feet north of Congdon Place to Court Street

Section 22. Loading Zone

Exchange Street East Side – From 135 feet north of Congdon Street to 233 feet north

Section 43. Two Hour Parking Meter Zone –

East Side - from 35 feet north of Congdon Place to 135 feet north.

East Side - from Congdon Place to Court Street.

Insert:

Section 22.2B Handicapped Parking Zone

Exchange Street East Side – From 114 feet north of Congdon Place to 136 feet north.

Section 23 No Parking Anytime

Exchange Street East Side – From 247 feet north of Congdon Place to Court Street

Section 22. Loading Zone

Exchange Street East Side – From 136 feet north of Congdon Street to 247 feet north

Section 43 Two Hour Parking Meter Zone –

Exchange Street East Side - from 13 feet north of Congdon Place to 114 feet north.

Moved by Berg, seconded by Krey

Motion carried. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

39 Baxter Street. Mr Chris Sinicki requested that a Deaf Child Area Sign be placed in front of his home for his 11 year old daughter. Mr. Correll and Officer Lescault reported that they went to 49 Baxter Street by mistake because this was the original address they were given. Therefore they measured the wrong location and will need to re-measure the area.

Moved by Berg, seconded by Holmes

Motion carried, pending revised measurements on correct location. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

Stanley Street/Clinton Street. Stanley Street is a one-way street, and Councilman Motsavage reported that Residents state that the corner of Stanley and Clinton St is dangerous because the building blocks the view towards Glenwood Ave and they are afraid someone may get hit on the sidewalk. They are requesting that some type of mirror can be installed. Mr. Correll reported that he conducted an incident review for this area for the past three years and found that there were no accidents for this reason. He and Officer Lescault reported that the visibility appears to be acceptable. Therefore they recommend that this request be denied based on their findings. Mr. Kraham will let the residents know of this decision.

206 Robinson Street. Ms. McCullen informed the Traffic Board that this building is being demolished for a new parking lot for a church and they are requesting a new curb cut be installed off Robinson Street. It will be a one way enter and one way exit onto the site via the new curb cut on Robinson. Traffic will look at this today, Monday, June 30th.

Moved by Berg, seconded by Yeager

Motion carried, pending based on Traffic's recommendations. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

Moeller/Robinson Street. Ms. McCullen reported that a gas station is being demolished and rebuilt. There are currently two curb cuts on the Robinson side. The other one on Moeller is longer. They would like to eliminate the one on Robinson closest to Moeller and are proposing the 11 of 31 feet of Moeller be a mountable curb.

Moved by Berg, seconded by Yeager to approve variance cut.

Motion carried. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

120 Hawley Street. Ms. McCullen reported that the new Southern Tier High Technology Incubator has requested that a new curb cut be placed across the street on Lisle Street. Ms. McCullen also recommended that a crosswalk be placed at Hawley onto Centenary since there will probably be heavy foot traffic from the building. Traffic will look into this and report back at the July meeting on Thursday, July 17.

Moved by Krey to install a new curb cut at this location, seconded by Berg.

Motion carried. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

197-203 Court Street. Ms. McCullen reported that several buildings at this location are being torn down for a new parking lot. The V.A. Outpatient Clinic is requesting that new curb cut be placed on Court Street (2 way), 2 on Pine (2 way) and 1 on Fayette (2 way)

Moved by Berg to install 4 new curb cuts pending the trip counts, seconded by Krey.

Motion carried. (Vote 5-0-0)

Ayes: Berg, Holmes, Kraham, Krey, Yeager

Nays: None

Temporary Signs for MacArthur School at St. Thomas Church. Councilman Berg will verify with Councilman Mihalko if it is the church or school that is requesting the signs. Councilman Berg will report back to Traffic Board at the July Meeting on Thursday, July 17.

Avon Road. Ms. Rosemary Mahoney requested that employees from the local Dentist's office who are parking on Avon Road obey the parking time limits and if not, police should enforce them by ticketing. Traffic will inform the dentist office that all cars parked on Avon will be chalked and ticketed. Mr. Kraham will let Ms. Mahoney know that Traffic will be taking care of this issue.

Washington Street and Hawley Street intersection-pedestrian crosswalks. Mr. Kraham reported that there is concern about pedestrians crossing at this intersection because there are no crosswalk lights currently installed. Mr. Holmes will look into this further and report back at the July meeting on Thursday, July 17. Mr. Krey will report back as well.

Phelps Park. Mr. Kraham requested that 25 MPH park speed limit signs be placed at Phelps Park (600 State Street). Traffic will look into this and report back at the July meeting on Thursday, July 17.

Chapin Street and Leroy Street. Request by unknown individual for a stop light at this intersection for pedestrian safety. BMTS is still in the process of conducting their traffic light study. Mr. Kraham will contact the individual and let them know.

Adjournment. Motion to adjourn at 11:16am.

Moved by Berg, seconded by Holmes.

Voice vote, none opposed.

DRAFT

PROPOSED UPDATES TO THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT “MASTER IMA”

Minor Changes. Outlined below are those items City Council agreed to classify as “minor changes”, and which will be approved without further discussion or a joint session with the Village of Johnson City Board of Trustees, should the Board of Trustees consent to the same.

- Comment 1, Preface. Include an introduction statement.
- Comment 2, Section 1. Replace reference to “Facilities” with “Plant”.
- Comment 3, Section 1. Include abbreviation “TPS” after “Johnson City Terminal Pumping Station”, and a statement “The TPS is part of the Facilities”.
- Comment 4, Section 1. Add “Remedial” to the title “Phase III Project”.
- Comment 6, Section 2. Capitalize “Treatment” and replace “facilities” with “Plant”.
- Comment 7, Section 3. Amend “agreement” to “agreed”.
- Comment 8, Section 4. In two locations, capitalize “Treatment” and replace “facilities” with “Plant”.
- Comment 9, Section 5. Amend “tanks” to “tank”.
- Comment 10, Section 6(A). Strike the following language: “The Village, however, shall continue to own the force main connecting the Johnson City Terminal Pumping Station (which pumping station is more specifically described in Section 9) with the sewage treatment facilities, and the sewer line or lines connecting the sewer system of the Village with such terminal pumping station. The City shall continue to own the interceptor sewer line or lines connecting the sewer system of the City of Binghamton with the sewage treatment facilities.”
- Comment 11, Section 6(B). Amend the latter portion of the sentence to state the following: “. . .and prior written approval shall be obtained from other New York State and federal agencies as may be required.”
- Comment 12, Section 6(C). Amend the beginning of the sentence to state the following, “In the absence of any agreement or bidding instructions to the contrary, bid proposals. . .”
- Comment 13, Section 6(D). Amend the beginning of the section to state the following, “No Joint Sewage Project contract for the construction or repair of secondary treatment facilities shall be awarded and no such contract shall be deemed. . .”
- Comment 14, Section 7. Capitalize “Treatment” and replace “facilities” with “Plant”.
- Comment 15, Section 9. In the second sentence, replace “facilities” with “Treatment Plant”. In the third sentence, strike the phrase “presently being constructed”. In the fourth sentence, capitalize “Treatment” and replace “facilities” with “Plant”.
- Comment 16, Section 1. Amend the first sentence in part to state the following: “. . . if an agreement substantially in the form of the agreement set forth as Exhibit ____ is duly authorized and executed.” The City Clerk and the Village Clerk shall organize and number each exhibit.
- Section 11(D). Capitalize “Fiscal Officer”.
- Comment 17, Section 12(B). Amend the beginning of the section to include the following sentence: “On or before the effective date of IMA I, the mayor of each party appointed one member for a three-year term, one member for a two-year term, and one member for a one-year term. Thereafter, each Board member shall. . .”
- Comment 18, Section 12(C). Amend the end of the section to include the following sentence: “Such reimbursement shall be subject to the same budgetary and other controls as any other expenditure.”
- Comment 19, Section 12(D). Amend the beginning of the section to include the following sentence: “Four members shall constitute a quorum for the transaction of business at any meeting”. Capitalize “Fiscal Officer”.
- Section 12(D)(i). Amend in part to state: “. . .Sections 22, 24, 25, 27 and ____.” List additional sections as may be necessary based upon other amendments.
- Comment 21, Section 12(D)(viii). Include the following statement: “The minimum general liability (personal injury) and automobile liability (personal injury) requirements stated above may be satisfied by a combination of policies, including ‘umbrella’ liability policies, provided that the total coverage in force under all such policies equals or exceeds the combined minimums stated above for general liability (personal injury) plus automobile liability (personal injury).”
- Section 12(D)(xi). Correct the assigned section number.
- Comment 23, Section 13. Capitalize “Fiscal Officer” throughout section.
- Comment 24, Section 13. Amend “Section 119-O” to “199-o”.
- Comment 25, Section 14. Strike “this agreement” and replace with “IMA I”.

- Comment 26, Section 14. Include the following statement: “The City shall amend its Charter and adopt any necessary supplemental legislation to permit persons otherwise qualified who reside in the Village of Johnson City or the counties listed above rather than in the City of Binghamton to participate in civil service examinations for appointment to or employment by the Board. The Village shall make any necessary amendments to its local laws, ordinances, resolutions, and regulations, to permit persons otherwise qualified who reside in the City of Binghamton or the counties listed above rather than in the Village of Johnson City to participate in civil service examinations for appointment to or employment by the Board.”
- Comment 27, Section 16. Amend “Owner” to “Owners”.
- Comment 28, Section 18. Strike “this agreement” and replace with “IMA I”.
- Comment 29, Section 19. Amend the first sentence to state the following: “The City agrees to provide 54.8% of the cost of the secondary treatment facilities described in Section 5.”
- Moved Section 27 to Section 25
- Comment 30, Section 25. Move Section 27.F and 27.G to Section 25 “Operating Costs. Insert “i.” regarding Kirkwood into section 25 as it shows in IMA I.
- Comment 33, Section 25. Change “Sewage” to “Sewer” as it states in IMA II
- Comment 31, Section 27. Add “s” to Town to reflection IMA II
- Comment 32, Section 27. Add a space above “Dry-weather flow” definition
- Comment 35, Section 27. Make billing and collection separate from debt service
- Comment 36, Section 27. Remove “imposed by the Board for more than thirty (30) days after such surcharge” because it is redundant
- Comment 27+, Section 29. Change “Owner” to “Owners” to reflect the fact that the City of Binghamton and Village of Johnson City both own the JSTP
- Comment 37, Article IV. Better expression of article title
- Comment 38, Section 30. This section is from IMA 7 which was approved on September 1, 2009
- Comment 39, Section 31. Change “acknowledge” to “acknowledged”
- Comment 39, Section 32. Remove “the City and the Village” and replace with “the governing of each party” as stated in Section 31.
- Comment 39, Section 33. Remove “the City and the Village” and replace with “the governing of each party” as stated in Section 31.
- Comment 40, Section 33. To be true with IMA II need approval or agreement language. Change “constructed” to “construed”. Add reference to Section 10 because it refers to the outside user agreements and makes it consistent with the underlying documents
- Comment 41, Section 36. Change “violations” to “violation” and insert “An action or proceeding that pertains to” as shown in IMA 7
- Comment 2+. Change “facilities” to “plant” to be consistent with definitions in Chapter 336 of the City of Binghamton Code
- Comment 5, Section 1. Amend “Service Area” definition removing “other than” and inserting “including”

Major Changes. Outlined below are those items City Council agreed to classify as “major changes” requiring further discussion in a joint session with the Village of Johnson City Board of Trustees.

- Section 1. Clarify the definitions of “PLANT” and “FACILITIES”, and amend references as necessary throughout the entire document.
- Comment 5, Section 1. Removal of the phrase “other than” and replacement with the word “including”. Should the definition of “SERVICE AREA” be revised?
- Section 3. Should this section be retired to an appendix outlining all historical language?
- Section 5. Should this section be retired to an appendix outlining all historical language?
- Comment 12, Section 6(C). Should this section be retired to an appendix outlining all historical language?
- Comment 13, Section 6(D). Should this section be retired to an appendix outlining all historical language?
- Section 9. Should this section be retired to an appendix outlining all historical language?
- Section 12. Review the manner in which BJCJSB members are appointed and approved.

- Comment 20, Section 12(D)(vii). Amend to state the following: “To provide copies of minutes from all official proceedings to the City of Binghamton and the Village of Johnson City at least on an annual basis, on or before April 1st.”
- Section 12(D)(viii). Determine what types of insurance should be maintained, and in what amounts. Review the list of existing insurance policies.
- Comment 22, Section 12(D)(xii). Keep language, but move to a more appropriate location.
- Section 13. Review the need for an official bond dedicated to the BJCJSB Fiscal Officer.
- Section 23(G)(ii). Amend language to clarify that the transfer requests must be submitted to the BJCJSB Fiscal Officer.
- Comment 43, Section __. Making sure that the two lead agency agreements remain in affect with IMA X. This is new language which needs to be discussed by both Owners
- Comment 42, Section __. Insert section stating “Copies of the reported entitled Joint Disposal of Sewage for the Village of Johnson City and City of Binghamton made by Clinton Bogert Associates dated June 1964 and supplements of said reported dated July 22, 1964 and September 29, 1964 shall be filed in the officers of the Clerk of the City, the Clerk of the Village, and the Board.” Need to discuss with VJC to determine who should be maintaining documents.
- Section 23. Amend to state” The fiscal year Board shall be January 1 to December 31. The Board shall deliver its proposed budget to the Clerk of the City and Clerk of the Village with a copy to the Mayor of the City of Binghamton and the Mayor of the Village of Johnson City”.